

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAYTON SUPERIOR CORPORATION,

Plaintiff,

-v-

JULIAN Z. YAN, et al.,

Defendants.

Case No. 3:12-cv-380

Judge Thomas M. Rose

**ENTRY AND ORDER REQUIRING DEFENDANT EPOXY PRODUCTS
COMPANY, LLC TO INFORM THE COURT NOT LATER THAN THE
CLOSE OF BUSINESS ON MONDAY, NOVEMBER 12, 2012, OF THE
NAME AND CITIZENSHIP OF EACH MEMBER**

One Defendant in this matter is Epoxy Products Company, LLC (“EPCO”). Also, according to the Complaint, this Court has subject matter jurisdiction based upon the diversity of citizenship of the Parties.

For diversity of citizenship to exist, the Plaintiff’s citizenship must be diverse from Defendant EPCO’s citizenship. The Complaint indicates that EPCO is a Missouri Corporation with a principal place of business in the state of Missouri.

However, as indicated in the case caption and on the registration documents submitted by the Plaintiff, EPCO is not a corporation but is an LLC (limited liability company). Further, “[t]he general rule is that all unincorporated entities - of which a limited liability company is one - have the citizenship of each partner or member.” *Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). Thus, without confirming the citizenship of each member of EPCO, the Court cannot confirm that it has subject matter jurisdiction to proceed. Therefore, Epoxy Products Company, LLC is given until the close of business on Monday, November 12, 2012, to

inform the Court of the name and citizenship of each member.

DONE and **ORDERED** in Dayton, Ohio this Ninth day of November, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

Fax and email to Doug Weems